

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olga Bentin	Team: Squad #4	CCRB Case #: 201610465	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 12/22/2016 10:40 PM	Location of Incident: In front of § 87(2)(b); 88th Precinct stationhouse; inside of § 87(2)(b)	Precinct: 88	18 Mo. SOL 6/22/2018	EO SOL 6/22/2018	
Date/Time CV Reported Fri, 12/23/2016 2:59 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 12/23/2016 2:59 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			Unknown
2. POM Arnaud Polynice	11414	957047	088 PCT
3. POM Kitwane Lewis	17024	951915	088 PCT
4. POM Carlos Miranda	25050	941102	088 PCT
5. POM Matthew Lambert	14548	956820	088 PCT
6. POM Bobbie Crooks	21686	959572	088 PCT
7. POM George Rowen	17129	961208	088 PCT
8. POM Jeffrey Dumbauld	20289	958530	088 PCT
9. Officers			Unknown

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Eric Delman	00000	922228	088 PCT
2. POM Johnpaul Zinser	16883	958199	088 PCT
3. SGT Joseph Carroll	01432	938177	TB DT30
4. POM Eustace Burke	01291	923594	TB DT30
5. POM Luis Camacho	12394	945360	TB DT30

Officer(s)	Allegation	Investigator Recommendation
A.POM Arnaud Polynice	Abuse: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Arnaud Polynice searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POM Matthew Lambert	Abuse: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Matthew Lambert questioned § 87(2)(b)	
C.POM Matthew Lambert	Abuse: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Matthew Lambert frisked § 87(2)(b)	
D.POM Matthew Lambert	Abuse: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Matthew Lambert searched § 87(2)(b)	
E.POM Matthew Lambert	Discourtesy: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Matthew Lambert spoke discourteously to § 87(2)(b)	
F.POM Carlos Miranda	Force: On December 22, 2016, in front of § 87(2)(b), Police Officer Carlos Miranda used physical force against § 87(2)(b)	
G.POM Arnaud Polynice	Force: On December 22, 2016, in front of § 87(2)(b), Police Officer Arnaud Polynice used physical force against § 87(2)(b)	
H. Officers	Force: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, officers used physical force against § 87(2)(b)	
I.POM Matthew Lambert	Discourtesy: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Matthew Lambert spoke discourteously to § 87(2)(b)	
J.POM Matthew Lambert	Force: On December 22, 2016, Police Officer Matthew Lambert used physical force against § 87(2)(b)	
K.POM Matthew Lambert	Abuse: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Matthew Lambert threatened to arrest § 87(2)(b) and § 87(2)(b)	
L. An officer	Force: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, an officer used physical force against § 87(2)(b)	
M. An officer	Abuse: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, an officer threatened § 87(2)(b) with the use of force.	
N. An officer	Abuse: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, an officer threatened to arrest § 87(2)(b)	
O.POM George Rowen	Discourtesy: On December 22, 2016, at the 88th Precinct stationhouse, Police Officer George Rowen spoke discourteously to § 87(2)(b)	
P.POM Bobbie Crooks	Abuse: On December 22, 2016, at the 88th Precinct stationhouse, Police Officer Bobbie Crooks did not process § 87(2)(b)'s complaint against an officer.	
Q.POM Jeffrey Dumbauld	Discourtesy: On December 23, 2016, at § 87(2)(b) in Brooklyn, Police Officer Jeffrey Dumbauld spoke discourteously to § 87(2)(b) and § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
R.POM Kitwane Lewis	Force: On December 23, 2016, at the 88th Precinct stationhouse, Police Officer Kitwane Lewis used physical force against § 87(2)(b)	

Case Summary

This case is submitted for review past the 90-day deadline due to officer identification issues and the necessity of interviewing a large number of officers.

This incident received media coverage § 87(2)(g) (BR 90).

An attorney was consulted in this case.

On December 23, 2016, § 87(2)(b) contacted the 311 Customer Service Center by email and filed this complaint. On December 23, 2016, this complaint was forwarded to the CCRB. On December 23, 2016, § 87(2)(b)'s wife, § 87(2)(b) contacted IAB by phone and filed a duplicate complaint, which was received at the CCRB on December 28, 2016.

On December 22, 2016, at approximately 10:40 p.m., PO Matthew Lambert, PO Carlos Miranda, and PO Arnaud Polynice, all of the 88th Precinct, stopped the vehicle in which § 87(2)(b) and § 87(2)(b)'s three sons, § 87(2)(b) and § 87(2)(b) were occupants; a friend of the § 87(2)(b)'s, § 87(2)(b) was also in the vehicle. After officers detected an odor of marijuana about the vehicle, all occupants of the vehicle were asked to exit and escorted to its rear. PO Polynice searched the vehicle (**Allegation A**). PO Lambert questioned, frisked, and searched § 87(2)(b) (**Allegations B, C, and D**), recovering a mason jar of marijuana.

During the vehicle stop, § 87(2)(b) attempted to walk away from the scene. PO Lambert told § 87(2)(b) "Don't fucking move" (**Allegation E**). A physical struggle then ensued between PO Lambert, PO Miranda, PO Polynice, § 87(2)(b) and § 87(2)(b) during which PO Miranda punched § 87(2)(b) (**Allegation F**) and PO Polynice tackled § 87(2)(b) to the ground (**Allegation G**).

PO Miranda requested additional officers via radio. Multiple officers responded to the scene. § 87(2)(b) and § 87(2)(b) were all arrested (BR 70). In the course of arresting § 87(2)(b) multiple officers slammed him onto the ground and punched him repeatedly (**Allegation H**).

§ 87(2)(b) and their fourth son, § 87(2)(b) also arrived to the scene. When § 87(2)(b) attempted to ascertain what was going on, PO Lambert told her, "They hit the officer. They're getting fucking arrested. We don't give a fuck," and, "Get the fuck out of here" (**Allegation I**). PO Lambert then pushed § 87(2)(b) (**Allegation J**). When § 87(2)(b) attempted to intervene, PO Lambert told him and § 87(2)(b) "You are going to get fucking arrested" (**Allegation K**).

PO Lambert then arrested § 87(2)(b). When § 87(2)(b) attempted to intervene, an officer punched him in the throat (**Allegation L**) and told him, "If you want to fight me, we can go around the corner. Just you and me" (**Allegation M**). A second officer then told § 87(2)(b) "Get the fuck out of here before I beat the shit out of you" (**subsumed in Allegation M**), and, "I am going to arrest you" (**Allegation N**).

§ 87(2)(b) and § 87(2)(b) then left the scene and drove to the 88th Precinct stationhouse. At the front desk of the stationhouse, § 87(2)(b) asked PO George Rowen what was going on, to which PO Rowen replied, "I can't tell you shit" (**Allegation O**). When § 87(2)(b) told another officer at the front desk, PO Bobbie Crooks, that he wanted to file a complaint, PO Crooks told him that he did not know how to do so, and then walked away (**Allegation P**).

§ 87(2)(b) then learned that § 87(2)(b) had been transported in police custody to § 87(2)(b) in Brooklyn. § 87(2)(b) arrived to § 87(2)(b) at

- § 87(2)(b)
- PO Polynice has been a member of the service for two years. There is one allegation against him stemming from one 2016 complaint.
- PO Miranda has been a member of the service for 11 years. There are a total of six prior allegations against him stemming from three complaints between 2009 and 2016.
- PO Lambert has been a member of the service for two years. There are two prior allegations against him stemming from one 2016 complaint.
- PO Rowen has been a member of the service for one year and has no CCRB history.
- PO Crooks has been a member of the service for one year and has no CCRB history.
- PO Dumbauld has been a member of the service for one year and has no CCRB history.
- PO Lewis has been a member of the service for five years. There are three prior allegations against him stemming from one 2014 complaint.
- None of the allegations against these officers has been substantiated. § 87(2)(g)

Potential Issues

- § 87(2)(b) said that when § 87(2)(b) and § 87(2)(b) were arrested, their cell phones were confiscated, and that the only way to contact them was through her. § 87(2)(b) provided her contact information and confirmed that her sons lived with her. Between January 20, 2017, and February 7, 2017, a total of six messages were left with § 87(2)(b) at each of her two phone numbers in an effort to establish contact with her sons. Between January 9, 2017, and February 3, 2017, two please-call letters were sent to each of § 87(2)(b)'s sons. Between December 28, 2017, and January 29, 2017, eight emails were sent to § 87(2)(b) in an effort to contact her sons. On February 6, 2017, Field Work was conducted to § 87(2)(b)'s residence. § 87(2)(b) indicated that her sons were at school and reiterated that the best way to reach them was through her. § 87(2)(b) promised to have her sons contact the CCRB. On February 8, 2017, § 87(2)(b) contacted the CCRB via email stating that her sons did not wish to participate in the investigation. As such, the investigation was not able to establish contact with § 87(2)(b) or § 87(2)(b).
- When contacted on January 30, 2017, § 87(2)(b) declined to participate in the investigation at her attorney's advice.
- There was some indication that § 87(2)(b) recorded the incident on her cell phone, but because she did not cooperate, the investigation was unable to confirm this.

- Contact was established with § 87(2)(b) on February 23, 2017. § 87(2)(b) scheduled to provide a statement on January 31, 2017. § 87(2)(b) missed this appointment without providing cancellation notice and did not respond to subsequent contact attempts. As such, no sworn statement was obtained from her.
- § 87(2)(b)' son, § 87(2)(b) § 87(2)(b), and § 87(2)(b)'s cousin, § 87(2)(b) each witnessed a portion of this incident, but neither responded to contact attempts.
- § 87(2)(b) was identified as a potential witness to this incident from the EVENT materials, but did not respond to contact attempts.

§ 87(2)(g)

- § 87(2)(b) and § 87(2)(b) both said they saw a group of approximately six officers slam § 87(2)(b) onto the ground and punch him repeatedly. As was previously discussed, § 87(2)(b) did not cooperate with the investigation. Video footage does not depict this allegation. None of the officers acknowledged apprehending § 87(2)(b) placing him on the ground, or punching him. The EVENT (BR 23-24) reflects that there were at minimum units from the 88th Precinct and Transit District 30 on scene. § 87(2)(g)
- § 87(2)(b) described the officer who twice punched him and told him, "If you want to fight me, we can go around the corner," as a white male in his 30s or 40s, 5'6" to 5'8" tall, with a black beard, and dressed in plainclothes, or specifically a blue jacket. In his telephone statement (BR 71), § 87(2)(b) said this officer was the same one who pushed § 87(2)(b) away from the street, but in his sworn statement (BR 02) he did not reiterate that any officer pushed § 87(2)(b).
§ 87(2)(b) (BR 01) described the officer who punched § 87(2)(b) as a white or Hispanic male, 35 years old, 5'8" to 5'9" tall, with a trimmed black beard, and wearing a black hoodie; in her IAB statement (BR 69) she provided this officers' name as "Torres," but in subsequent statements could not identify the officer, and it was not clear how she obtained this information. § 87(2)(b) consistently indicated that this officer was not the same one who pushed her.

After leaving the scene, § 87(2)(b) went to the 88th Precinct stationhouse, where he complained of chest pains. § 87(2)(b) called an ambulance on his behalf, reporting that officers had punched him in the throat, and he was transported to § 87(2)(b). An x-ray of § 87(2)(b)'s chest was performed. No injuries were noted in his medical record. § 87(2)(b) was given ibuprofen and discharged (BR 22). There is no information in § 87(2)(b)'s medical records to aid in identifying the subject officer. § 87(2)(b) (BR 02) described the officer who told him to "Get the fuck away from here before I beat the shit out of you," and threatened to arrest

him, as a white male in his 50s, 5'11" to 6' tall, heavy set or approximately 280 pounds, with short black hair, and wearing a dark blue jacket.

§ 87(2)(b) (BR 01) said the officer who threatened § 87(2)(b) with the use of force and with arrest was a white male, in his 50s, approximately 6' tall, with salt and pepper hair, and wearing a blue or black hoodie.

Video footage of this incident does not depict these allegations and therefore does not assist in identifying these officers.

No Threat, Resistance, and Injury Reports were prepared in relation to § 87(2)(b)

There is only one male officer with the name "Torres" in the 88th Precinct, PO Justin Torres; according to his memo book (BR 68), he was off-duty at the time of this incident.

The Resource Recap Log (BR 25) indicated that 88th Precinct Sector B, identified by the investigation as PO Orlando Vargas and PO Glorimar Duran, 88th Precinct Sector D, identified by the investigation as PO Jonathan Maranzao and PO Aliea Persaud, and Transit District 30 Sector A, identified by the investigation as PO Steve Bourekas and PO Jason Cruz, responded to this incident. § 87(2)(g)

§ 87(2)(b) indicated that the following units responded to this incident: Transit District 30 Sector B, identified by the investigation as PO Eustace Burke and PO Jefrin Decastro; the Transit District Anti-Crime Sergeant, Sgt. Joseph Carroll and PO Luis Comacho, and 88th Precinct Lieutenant, identified by the investigation as Lt. Eric Delman and his operator, PO JohnPaul Zinser.

As will be explained in greater detail below, PO Miranda (BR 26) would not have been present to witness this portion of the incident. PO Polynice (BR 27) and PO Lambert (BR 28) both acknowledged seeing § 87(2)(b) at the incident location, but denied having any interaction with him. PO Polynice is a black male and therefore unlikely to be the subject of either the force or the threat allegation. PO Lambert is a white male, § 87(2)(b) old, 5'8" tall, with light brown hair and a reddish beard, and said he was wearing a dark-colored hoodie underneath a gray North Face jacket at the time of the incident. § 87(2)(g)

PO Lambert does not match the description of the officer who threatened § 87(2)(b)

Lt. Delman (BR 29) responded to the request for additional units, but denied seeing or interacting with § 87(2)(b). Insofar as Lt. Delman is a white male, § 87(2)(b) old, 5'9" tall, 235 pounds, with salt and pepper hair, and brown eyes, and who was dressed in plainclothes at the time of this incident, he does not match the description of the officer who punched § 87(2)(b). Lt. Delman could be seen to match § 87(2)(b)'s description of the officer who threatened § 87(2)(b) but not that provided by § 87(2)(b). Lt. Delman's operator, PO Zinser, saw § 87(2)(b) at the scene, but denied interacting with

him, and denied seeing any officer commit the allegations. PO Zinser is a § 87(2)(b) year-old white male, 6'1" tall, 200 pounds, with brown hair, and a black beard;

§ 87(2)(g)

PO Zinser does not match the description of the officer who threatened § 87(2)(b)

PO Crooks (BR 39) was at the incident location, but, as a black male, is unlikely to be a subject.

Sgt. Joseph Carroll (BR 35) acknowledged responding to this incident, but denied seeing § 87(2)(b) as a § 87(2)(b) -old white male, 5'11" tall, 205 pounds, with brown hair and a brown beard, he could loosely match the description of the officer who punched § 87(2)(b) but not the officer who threatened him. Another member of Sgt. Carroll's team, PO Camacho (BR 37), denied seeing § 87(2)(b) and as a bald Hispanic male, does not match any provided description. The other members of the Transit District Anti-Crime team, PO Providence and PO Randolphe, are black males § 87(2)(g)

The UF-49 (BR 72) also noted that Detective Frank Liuzzi and Detective Andrew Hunt of the 88th Precinct Detective Squad responded to the scene and transported PO Miranda to the hospital. However, the investigation determined that PO Miranda was removed to the hospital before these allegations would have occurred; § 87(2)(g)

All other officers identified as responding to the scene would have been in uniform § 87(2)(g)

§ 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

None of the civilians alleged a vehicle search. § 87(2)(g)

None of the civilians alleged a frisk and search § 87(2)(g)

Although not alleged by any civilian, PO Lambert acknowledged telling § 87(2)(b) "Don't fucking move." § 87(2)(g)

§ 87(2)(b) (BR 01) said that while she was on FaceTime with § 87(2)(b) she saw an officer, who she described as a white or Hispanic male, approximately 5'8" or 5'9" tall, husky, in a blue or black hoodie, punch § 87(2)(b) According to PO Miranda's NYPD photograph (BR 66) he is a light-skinned Hispanic male, 5'4" tall, 178 pounds, with brown hair and eyes, and he was wearing a camouflage jacket at the time of this incident. PO Miranda acknowledged punching § 87(2)(b) once. § 87(2)(g)

§ 87(2)(g)

Although not alleged by any civilian, PO Polynice acknowledged tackling § 87(2)(b) to the ground. § 87(2)(g)

§ 87(2)(b) described the officer who spoke discourteously to her, pushed her, and threatened to arrest her and § 87(2)(b) as a white or Hispanic male, between 5'8" and 5'9" tall, skinny, wearing a black and blue hoodie. Although PO Lambert denied committing either allegation, he acknowledged having some interaction with § 87(2)(b) and § 87(2)(b) on scene. According to PO Lambert's NYPD photograph (BR 31), he is a white male, § 87(2)(b) old, 5'8" tall, 155 pounds, with brown hair and eyes. § 87(2)(g)

PO Rowen (BR 62) acknowledged that he was behind the front desk when § 87(2)(b) and § 87(2)(b) first arrived to the stationhouse and that he spoke with them. § 87(2)(g)

It is undisputed that § 87(2)(b) spoke to PO Crooks at the front desk, and mentioned filing a complaint to him. § 87(2)(g)

PO Dumbauld (BR 63) acknowledged telling § 87(2)(b) and § 87(2)(b) that they could not enter § 87(2)(b)'s hospital room. § 87(2)(g)

Allegations Not Pleaded

- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)

- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation A – Abuse of Authority: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Arnaud Polynice searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation B – Abuse of Authority: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Matthew Lambert questioned § 87(2)(b)

Allegation C – Abuse of Authority: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Matthew Lambert frisked § 87(2)(b)

Allegation D – Abuse of Authority: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Matthew Lambert searched § 87(2)(b)

As was previously discussed, the investigation was not able to obtain statements from § 87(2)(b) or § 87(2)(b)

Video (see above file labeled 201610465_20170111_1308 (BR 04)) is of poor visual quality and does not contain an audio component. It depicts three officers, identified by the investigation as PO Polynice, PO Miranda, and PO Lambert, stop the § 87(2)(b)'s vehicle. The occupants of the vehicle, § 87(2)(b) and § 87(2)(b) each exit the vehicle one by one and are brought to its rear. At 5:12 minutes, an officer, identified as PO Polynice, enters the car from the front driver side and spends approximately 12 seconds inside before returning to the rear of the vehicle. Due to poor video quality and the positioning of all parties at the scene, the frisk and search of § 87(2)(b) is not depicted.

PO Polynice (BR 27) said that he was driving in the vicinity of Classon Avenue and Fulton Street with PO Lambert and PO Miranda when he observed the § 87(2)(b)'s vehicle, a gray Mustang, with darkly tinted windows. PO Lambert and PO Miranda also observed the tints, and they mutually decided to stop the vehicle to inquire further about them.

PO Polynice stopped the vehicle by activating his police lights. PO Lambert approached the front passenger side of the vehicle, while PO Miranda approached the rear of the vehicle. As PO Polynice approached the vehicle on its driver side, he asked the driver, § 87(2)(b) to lower the front windows. § 87(2)(b) complied, at which time PO Polynice detected a strong odor of marijuana emanating from inside the vehicle. PO Polynice was able to identify the odor as he has received training and has made numerous prior marijuana-related arrests. PO Polynice was also able at this time see that there were three other occupants in the vehicle: § 87(2)(b) who was sitting in the front passenger seat; § 87(2)(b) who sat behind § 87(2)(b) and § 87(2)(b) who was sitting behind § 87(2)(b). PO Polynice saw § 87(2)(b) throw a

jacket over the center console of the vehicle, which appeared suspicious to PO Polynice, as though he was attempting to hide something.

PO Polynice asked § 87(2)(b) for his license and registration, which he provided. PO Polynice then asked § 87(2)(b) to remove the jacket. § 87(2)(b) complied. PO Polynice then observed loose marijuana crumbs or residue on top of the center console. PO Polynice asked § 87(2)(b) and § 87(2)(b) if they had marijuana in the vehicle; § 87(2)(b) replied that they were returning from a party and they had smoked marijuana there.

PO Polynice told his fellow officers that he wanted to have each occupant of the vehicle step out so that they could investigate further. Each occupant stepped out of the vehicle one by one and was brought to the rear. PO Polynice then briefly entered the vehicle from the front driver side and searched the “grab-able” area, including the center console and the front driver seat, to check that there was no further marijuana or weapons in the vehicle. PO Polynice did not see PO Miranda conduct a frisk or search.

PO Lambert (BR 28) was generally consistent with PO Miranda and PO Polynice, with the following additions. PO Lambert also smelled marijuana emanating from the vehicle, noting that the smell was so strong as to suggest that it had recently been smoked. PO Lambert also saw the jacket over the center console, though he did not see any occupant place it there, nor did he see if the jacket was ever removed from the console. § 87(2)(b) seemed nervous, as he was breathing heavily and his hands were shaking.

Based upon the odor of marijuana and § 87(2)(b)'s nervousness, once all of the occupants were standing at the rear of the vehicle, PO Lambert asked § 87(2)(b) if he had any drugs or weapons on his person. § 87(2)(b) replied, “Yes.” PO Lambert asked where the contraband was. § 87(2)(b) pointed to the middle pocket of his hoodie sweater, where PO Lambert observed a large bulge. PO Lambert touched the pocket and felt a large, hard object inside. PO Lambert reached into the pocket and retrieved a five-inch-tall transparent mason jar containing several clear plastic bags of marijuana. PO Lambert placed the jar on top of the trunk of the vehicle and did not search § 87(2)(b) further. PO Lambert did not see PO Polynice search the vehicle.

PO Miranda (BR 26) confirmed the accounts of PO Polynice and PO Lambert, with the following exceptions and additions. PO Miranda also smelled marijuana emanating from the vehicle, but did not see § 87(2)(b) place his jacket over the center console or remove it. From his position at the rear of the vehicle, PO Miranda did not see any marijuana residue inside the vehicle, though PO Polynice later told him that he had.

Once the occupants were removed from the vehicle, PO Miranda stood at the rear of the vehicle with them. PO Miranda did not see PO Polynice search the vehicle. PO Miranda confirmed that § 87(2)(b) seemed nervous based upon his surprised facial expression, and his account of the question, frisk, and search of § 87(2)(b) was consistent with that provided by PO Lambert.

The arrest reports (BR 70), property vouchers (BR 41, 42 and 43), and UF-49 (BR 72) all generally confirm the officer’s statements, and indicate that a quantity of marijuana in a glass mason jar was recovered from § 87(2)(b).

If, during a lawful car stop, an officer detects the odor of marijuana emanating from the vehicle, the police officer then has probable cause to arrest the subject, and to search the vehicle. People v. Valette, 88 A.D.3d 461 (2011) (BR 44).

§ 87(2)(g)

§ 87(2)(g)

Allegation E – Discourtesy: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Matthew Lambert spoke discourteously to § 87(2)(b)

Allegation F – Force: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Carlos Miranda used physical force against § 87(2)(b)

Allegation G – Force: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Arnaud Polynice used physical force against § 87(2)(b)

Allegation H – Force: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, officers used physical force against § 87(2)(b)

As was previously discussed, the investigation was unable to obtain statements from § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) (BR 01) was not present at the time of the vehicle stop, but said that at approximately 10:44 p.m., on December 22, 2016, she received a FaceTime call from § 87(2)(b). While on the FaceTime call with § 87(2)(b), § 87(2)(b) saw PO Miranda push § 87(2)(b) against the side of the § 87(2)(b)'s vehicle. § 87(2)(b) heard § 87(2)(b) say to PO Miranda, “Why are you doing this to my brother?” PO Miranda then punched § 87(2)(b) once on his face. At that point the screen went black and § 87(2)(b) could not see further what occurred. § 87(2)(b) did not allege that any officer used profanity.

§ 87(2)(b) also said that when she arrived to the scene roughly five minutes later, she saw approximately five or six officers bring § 87(2)(b) onto the ground before placing him in handcuffs.

§ 87(2)(b) (BR 02) did not witness what occurred over FaceTime. § 87(2)(b) also confirmed that once he arrived to the scene, he saw a group of officers bring § 87(2)(b) onto the ground, but added that he then saw all officers punch § 87(2)(b). § 87(2)(b) could not describe where on § 87(2)(b)'s body the punches landed, or which officers amongst the group punched him.

The investigation identified a potential witness to this incident, § 87(2)(b) who lives near the incident location and called 911 after he observed four individuals fighting with three officers. § 87(2)(b) (BR 60) could not further describe what he observed of the fight.

There were no other civilian witnesses to this portion of the incident.

PO Miranda (BR 26) said that after PO Lambert retrieved the mason jar of marijuana from § 87(2)(b), § 87(2)(b) began to walk away from the scene in the direction of Fulton Street. PO Lambert followed § 87(2)(b) yelling, “Stop!” Eventually PO Lambert came to be positioned in front of § 87(2)(b) so that they faced each other. At this time, § 87(2)(b) ran towards PO Lambert and pushed him on his upper shoulder, moving him aside, saying, “If § 87(2)(b) wants to leave, he should leave.” PO Lambert grabbed § 87(2)(b) beneath his left arm. § 87(2)(b) began to resist by moving side to side, bending forward at his waist, and attempting to reach inside his waistband with both hands. PO Miranda

ran to assist PO Lambert. Both PO Miranda and PO Lambert repeatedly ordered § 87(2)(b) to stop moving to no effect.

PO Miranda then struck § 87(2)(b) on the left side of his chin once with a closed fist, causing § 87(2)(b) to stumble backwards. PO Miranda explained that he punched § 87(2)(b) because he was resisting, and had not heeded prior commands, and because he was reaching for his waistband but he had not been thoroughly searched, leading PO Miranda to fear that he might be armed.

§ 87(2)(b) or § 87(2)(b) or both – PO Miranda could not at that time tell – ran up behind PO Miranda and punched him several times on the back of his head. PO Lambert and PO Polynice pulled § 87(2)(b) or § 87(2)(b) off of PO Miranda. PO Miranda felt disoriented from the blows to the back of his head. § 87(2)(b) then approached and punched him in his face. PO Miranda grabbed § 87(2)(b) by his hands. § 87(2)(b) dragged him from the sidewalk to the street. PO Miranda felt he was going to faint, and fell to the ground with § 87(2)(b). While on the ground, § 87(2)(b) used one of his hands to scratch PO Miranda's face and stick one of his fingers in PO Miranda's right eye. PO Miranda had twisted his left ankle in the course of falling and had difficulty moving at this time.

§ 87(2)(b) stood up. PO Miranda also attempted to get up, but was then punched by either § 87(2)(b) or § 87(2)(b). Eventually PO Miranda did manage to rise, but § 87(2)(b) at that time grabbed him. PO Miranda said, "Stop, get off of me," and, "You are under arrest," several times. § 87(2)(b) then approached and again punched PO Miranda three times to the side of his head. PO Miranda again fell to the ground. PO Miranda used his radio to request assistance at this time.

PO Miranda a second time stood up from the ground. PO Miranda then felt a blow to the back of his head with a hard object. PO Miranda grabbed the back of his head and realized he was bleeding excessively. PO Miranda turned and saw § 87(2)(b) standing behind him holding a police flashlight. PO Miranda did not know how § 87(2)(b) obtained this flashlight. § 87(2)(b) then fled. PO Miranda attempted to give chase, but was unable to move well. § 87(2)(b) and § 87(2)(b) each punched PO Miranda two or three more times in the face. PO Miranda was unable to defend himself due to his injuries at this time, and leaned against the § 87(2)(b)'s vehicle for support.

Additional officers began to arrive. PO Polynice then walked PO Miranda to a police vehicle occupied by Det. Frank Liuzzi and Det. Andrew Hunt of the 88th Precinct Detective Squad, who then drove PO Miranda to § 87(2)(b). PO Miranda received six stitches to the laceration at the back of his head.

PO Lambert (BR 28) provided a statement that was generally consistent with that provided by PO Miranda, with the following exceptions and additions. When § 87(2)(b) attempted to walk away, PO Lambert followed him and told him, "Stop, come here." § 87(2)(b) complied, turning to walk towards PO Lambert, but then instead continued to walk past PO Lambert. PO Lambert grabbed § 87(2)(b) by his arm. § 87(2)(b) turned around to face PO Lambert with his hand closed into a fist and raised up as though about to punch PO Lambert. PO Lambert then yelled, "Don't fucking move." § 87(2)(b) pulled back and continued trying to walk away. At this time either § 87(2)(b) or § 87(2)(b) – PO Lambert could not remember which – ran up, pulled PO Lambert to the side, and told him to let § 87(2)(b) go.

PO Lambert's account of the struggle that ensued between officers and § 87(2)(b) and § 87(2)(b) was substantially similar to PO Miranda's account. PO Lambert and PO Polynice

both attempted to aid PO Miranda. While aiding PO Miranda in the struggle with § 87(2)(b) and § 87(2)(b), § 87(2)(b) punched PO Polynice in the face, causing PO Polynice to fall to the ground. PO Lambert ran to aid PO Polynice and struggled to handcuff § 87(2)(b) who pulled away from him. As PO Lambert attempted to handcuff with § 87(2)(b) he saw PO Polynice and PO Miranda struggling with § 87(2)(b) and § 87(2)(b). PO Lambert let go of § 87(2)(b) in order to aid PO Polynice and PO Miranda; § 87(2)(b) ran away. As PO Lambert struggled with § 87(2)(b) and § 87(2)(b) – during which time § 87(2)(b) and § 87(2)(b) both punched him in the face – § 87(2)(b) struck PO Miranda with the flashlight. § 87(2)(b) walked around during the struggle with her cell phone out as though recording the incident.

Additional units then arrived and were able to handcuff § 87(2)(b) and § 87(2)(b). PO Lambert did not remember if he aided them or not. PO Lambert saw that § 87(2)(b) had a bloody nose, but did not know how or what point this was sustained, and observed no other injuries to any other civilian. PO Lambert sustained bruising and swelling to his eye from § 87(2)(b) and § 87(2)(b) striking him, and was treated by EMS at the 88th Precinct stationhouse, but declined to seek treatment at the hospital.

PO Polynice (BR 27) was generally consistent with PO Miranda and PO Lambert. PO Polynice said that once additional units arrived, he walked PO Miranda to the detective's vehicle, and did not aid the additional responding officers in handcuffing any of the civilians. PO Polynice sustained minor bruising and swelling to his face, and was treated by EMS at the 88th Precinct stationhouse, but declined to seek treatment at the hospital.

The officers' account of events is generally corroborated by the video footage (see above-labeled video file 201610465_20170111_1308 (BR 04)) obtained from § 87(2)(b), though the footage is of poor quality and it is often difficult to determine what exactly is going on. The officer's account is also supported by the Threat, Resistance, or Injury Reports (BR 47 and BR 48) and associated photographs, the Investigating Supervisor's Assessment Report (BR 53), the UF-49 (BR 72), and the AIDED reports prepared for PO Miranda (BR 59), PO Lambert (BR 58), and PO Polynice (BR 57).

The arrest of § 87(2)(b) is not depicted on the video footage.

After § 87(2)(b) was released from police custody, § 87(2)(b) took photographs of an abrasion to his forehead (BR 73). This abrasion is also visible in his arrest photograph (BR 74); otherwise he appears uninjured. The Medical Treatment of Prisoner Form for § 87(2)(b) (BR 75) reflects that he complained of pain to his shoulder and miscellaneous cuts and bruises while in police custody, and was transported to § 87(2)(b). Absent § 87(2)(b)'s testimony, the investigation was unable to determine what precisely caused these injuries, and was unable to access § 87(2)(b)'s medical records.

There are no injuries visible in § 87(2)(b)'s arrest photograph (BR 76), though the TRI prepared for him notes that he sustained a bloody nose in an unspecified fashion (BR 47). § 87(2)(b) received medical treatment at § 87(2)(b) while in police custody. No Medical Treatment of Prisoner Form (MTPR) was found for § 87(2)(b) (BR 88).

§ 87(2)(b) also took photographs of scratches to the left side of § 87(2)(b)'s neck upon his release from police custody (BR 77), which are not visible in his arrest photograph (BR 78). The TRI (BR 47, 79 and 84) documents no injuries to § 87(2)(b) and § 87(2)(b) received no medical treatment regarding this incident.

Officers must use only that force reasonably necessary to gain control of a subject or to effect an arrest. Patrol Guide Procedure 221-01 (BR 54) A discourteous statement made by a

police officer to gain compliance or to maintain order during a stressful street encounter does not rise to the level of misconduct. PD v. Court, Index No. 79627/04 (BR 46)

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

It is undisputed that PO Miranda, PO Polynice, and PO Lambert used physical force against § 87(2)(b) and § 87(2)(b) § 87(2)(g)

[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation I – Discourtesy: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Matthew Lambert spoke discourteously to § 87(2)(b)

Allegation J – Force: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Matthew Lambert used physical force against § 87(2)(b)

Allegation K – Abuse of Authority: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, Police Officer Matthew Lambert threatened to arrest § 87(2)(b) and § 87(2)(b)

§ 87(2)(b)
§ 87(2)(b) (BR 01) said that she arrived to the incident location at approximately 10:50 p.m. with § 87(2)(b) § 87(2)(b) arrived separately on his bicycle. By the time they arrived, numerous plainclothes and uniformed police officers were present. § 87(2)(b) approached PO Lambert at the scene and asked, “Why are you doing this to [her sons]?” PO Lambert replied, “They hit the officer. They’re getting fucking arrested. We don’t give a fuck. Get the fuck out of here.” § 87(2)(b) then saw § 87(2)(b) handcuffed in the backseat of a police vehicle. § 87(2)(b) tried to approach § 87(2)(b) PO Lambert again told her, “Get the fuck out of here.” § 87(2)(b) ignored PO Lambert and continued trying to approach § 87(2)(b) PO Lambert then grabbed § 87(2)(b) beneath her left arm and pushed her backwards across the street away from § 87(2)(b)

§ 87(2)(b) stepped between § 87(2)(b) and PO Lambert, telling PO Lambert, “Don’t touch my mother.” PO Lambert told both § 87(2)(b) and § 87(2)(b) “You are going to get fucking arrested. Get the fuck out of here.” § 87(2)(b) and § 87(2)(b) remained at the scene, and eventually PO Lambert placed § 87(2)(b) in handcuffs.

As was previously discussed, the investigation was unable to obtain a statement from § 87(2)(b)

§ 87(2)(b) (BR 60) said that after he called 911 from inside his apartment, he went downstairs to smoke a cigarette. While standing outside of his building at § 87(2)(b), § 87(2)(b) saw a female he did not know, identified by the investigation as § 87(2)(b), yelling that she was the mother of the individuals and “making a big scene.” § 87(2)(b) attempted to approach a police vehicle, but uniformed officers told her to leave. § 87(2)(b) did not see any officer escort § 87(2)(b) away from the location, nor did he see officers make physical contact with any other individual. § 87(2)(b) did not hear any officers use profanity towards § 87(2)(b) or any other individual.

Video footage of the incident (see above labeled file 201610465_20170111_1308 (BR 04)) is of poor quality, the parties often obstructed from view by police lights or vehicles parked on the street. At 11:58 minutes, § 87(2)(b) identifiable by his bicycle, arrives to the scene. There are numerous officers and police vehicles already present. § 87(2)(b) leaves his bicycle next to parked vehicle and approaches where the officers are congregated; once he does so, a parked vehicle obstructs § 87(2)(b) from the camera’s view. At 12:57 minutes, § 87(2)(b) arrives at the scene and approaches the officers, walking in the street. § 87(2)(b) appears to follow an officer dressed in a gray or black jacket. The officer appears to gesture towards the sidewalk, and then walks away. Another, uniformed officer then approaches § 87(2)(b) and again points towards the sidewalk. At 13:31 minutes, three or four uniformed officers approach § 87(2)(b) who is standing on the street with § 87(2)(b). § 87(2)(b) moves to the sidewalk at this time, but then returns to the street. She is then obstructed from view by a parked vehicle. At the 14:29 minute mark, § 87(2)(b) again walks to the sidewalk, this time accompanied by § 87(2)(b). Several officers – it is unclear whether plainclothes or uniformed – surround them. It is difficult to see what then occurs due to the flashing turret lights from nearby police vehicles, but at 15:10 minutes, the officers begin to walk away, and § 87(2)(b) and § 87(2)(b) walk away from the scene in the direction of Fulton Street. The arrest of § 87(2)(b) is not depicted on the video footage, nor does video footage show any officer pushing § 87(2)(b) away from the location.

PO Lambert (BR 28) said that shortly after additional officers arrived, § 87(2)(b) arrived to the scene on his bicycle. Nearly simultaneously, § 87(2)(b) and § 87(2)(b) arrived. § 87(2)(b) and § 87(2)(b) were irate and demanded that officers tell them what was going on. They repeatedly attempted to approach the scene from the sidewalk. Multiple officers, who PO Lambert could not identify, told both of them to back up; PO Lambert also instructed § 87(2)(b) to do so. § 87(2)(b) and § 87(2)(b) would occasionally comply with these directives only to return to the street. A group of plainclothes officers who PO Lambert could not identify then began the process of handcuffing § 87(2)(b). PO Lambert aided them in doing so.

PO Lambert denied saying, “They hit the officer. They’re getting fucking arrested. We don’t give a fuck. Get the fuck out of here.” PO Lambert did not tell either § 87(2)(b) or § 87(2)(b) “You’re going to get fucking arrested.” PO Lambert did not hear any other officer use profanity towards either § 87(2)(b) or § 87(2)(b) and he did not hear any officer threaten to arrest them. PO Lambert denied grabbing or pushing § 87(2)(b) to the sidewalk.

PO Polynice (BR 27) generally corroborated PO Lambert’s statement, as did PO Zinser (BR33), though PO Zinser added that § 87(2)(b) used profanity and clenched his fists as though ready to fight officers. PO Zinser acknowledged that he told § 87(2)(b) “Leave. You don’t want to be arrested for this. Just walk it off,” but denied using profanity or threatening to arrest either § 87(2)(b) or § 87(2)(b) or using physical force against either of them.

Officers must use the minimum physical force necessary to gain control of a subject or effect an arrest. Patrol Guide Procedure 221-01 (BR 54) According to PD v. Bradley, OATH case 75419-00 (2000) (BR 80), an officer commits an abuse of authority when he threatens to make an arrest for which he has no probable cause.

§ 87(2)(g)

Allegation L – Force: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, an officer used physical force against § 87(2)(b)

Allegation M – Abuse of Authority: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, an officer threatened § 87(2)(b) with the use of force.

Allegation N – Abuse of Authority: On December 22, 2016, in front of § 87(2)(b) in Brooklyn, an officer threatened to arrest § 87(2)(b)

§ 87(2)(b) (BR 02) alleged that when he attempted to intervene in § 87(2)(b)'s arrest, an officer without prior warning punched him twice at the base of his throat. This officer also told § 87(2)(b) “If you want to fight me, we can go around the corner. Just me and you, nobody else.” A second officer then approached and told § 87(2)(b) “Get the fuck away from here before I beat the shit out of you. I am going to arrest you.”

§ 87(2)(g)

Allegation O – Discourtesy: On December 22, 2016, at the 88th Precinct stationhouse, Police Officer George Rowen spoke discourteously to § 87(2)(b)

§ 87(2)(b) (BR 01) said that after leaving the vicinity of § 87(2)(b), she went to the 88th Precinct stationhouse with § 87(2)(b) her sister, § 87(2)(b) § 87(2)(b), her nephew, § 87(2)(b) § 87(2)(b), and her cousin, § 87(2)(b) arriving at about 11:10 p.m. § 87(2)(b)

§ 87(2)(b) asked PO Rowen, who was behind the front desk, about her sons. PO Rowen replied, “I can’t tell you shit,” and walked away.

§ 87(2)(b) (BR 02) did not corroborate this allegation. § 87(2)(b) (BR 03) loosely corroborated § 87(2)(b)’s account, but reported PO Rowen’s phrasing as, “Get the fuck away from the window.” As was previously discussed, the investigation was unable to establish contact with either § 87(2)(b) or § 87(2)(b).

Video footage recorded by § 87(2)(b) on her cell phone (see above labeled file 2017-04-17_10-11-52 (BR 05)) depicts PO Rowen behind the front desk before he walks away at approximately 15 seconds. He appears to speak, but most of what he says is inaudible beneath the civilians. No use of profanity is documented on the video footage.

PO Rowen (BR 62) acknowledged speaking to § 87(2)(b) and the other individuals at the stationhouse, but denied saying, “I can’t tell you shit,” or otherwise using profanity.

§ 87(2)(g)

Allegation P – Abuse of Authority: On December 22, 2016, at the 88th Precinct stationhouse, Police Officer Bobbie Crooks did not process § 87(2)(b)’s complaint against an officer.

§ 87(2)(b) (BR 02) said that after PO Rowen walked away, he was replaced by PO Crooks. § 87(2)(b) told PO Crooks that he wanted to file a complaint. PO Crooks told § 87(2)(b) that he did not know what to do about that, and then walked away.

§ 87(2)(b) remained at the stationhouse for another hour, during which time he began to experience chest pains. § 87(2)(b) called an ambulance for him. While EMS was preparing to transport § 87(2)(b) to the hospital, several officers – none of whom § 87(2)(b) could describe – asked him about filing a complaint. § 87(2)(b) by this point had changed his mind, and told these officers that it was “okay,” and that there was no need to worry about it.

§ 87(2)(b) (BR 01) confirmed that § 87(2)(b)’s account, as did § 87(2)(b).

Video (see above labeled file 2017-04-17_10-11-52 (BR 05)) recorded by § 87(2)(b) reflects that, at 00:55 seconds, § 87(2)(b) asks PO Crooks, “How do you file a complaint?” At 00:56 seconds, PO Crooks replies, “I don’t know.” At 00:59 minutes, § 87(2)(b) asks PO Crooks, “What do you mean, you don’t know?” PO Crooks laughs and says, “I did not have a problem with you guys.” § 87(2)(b) replies, “Not you.” PO Crooks says, “I was not there. I don’t know.” At 1:07 minutes, § 87(2)(b) says, “Yo, a cop punched me twice in the throat.” § 87(2)(b) says, “Somebody punched you?” At 1:13 minutes, PO Crooks suggests, “So, go to the hospital.” § 87(2)(b) replies that he is not ready to go to the hospital because his “adrenaline is kicking in.” PO Crooks then says, “If I know anything, I will let you know, all right? You have to wait.” PO Crooks then walks away.

There were no entries made in the Command Log (BR 86-87) on December 22, 2016 or December 23, 2016, regarding § 87(2)(b) or § 87(2)(b) coming to the 88th Precinct stationhouse.

PO Crooks (BR 39) acknowledged speaking to § 87(2)(b). PO Crooks initially denied that § 87(2)(b) mentioned anything about filing a complaint. After reviewing video footage, PO Crooks remembered that § 87(2)(b) asked how to go about filing a complaint. PO Crooks acknowledged that he did not know how to do so, and told § 87(2)(b) as much. PO Crooks

has been with the NYPD for less than a year, and did not know what the procedure for filing a complaint was. PO Crooks did not remember if he told the desk officer, whose name he could not recall, that § 87(2)(b) had expressed an interest in filing a complaint. PO Crooks thought he may have told PO Rowen, but that PO Rowen then walked away to call an ambulance for § 87(2)(b) who by that time was not feeling well. PO Crooks noted that this occurred near the end of his tour, so he signed out, assuming that someone else would address the situation.

PO Rowen (BR 62) did not hear § 87(2)(b) request to file a complaint, nor was he informed by any other officer that he had made such a request.

Patrol Guide Procedure 207-31 (BR 81) states that upon receipt from a civilian alleging misconduct by a uniformed member of service, officers must report misconduct to the Civilian Complaint Review Board. If the complaint is made in person, the receiving officer must interview the complainant and provide them with a copy of the complaint report for them to complete.

§ 87(2)(g)

§ 87(2)(g)

Allegation Q – Discourtesy: On December 23, 2016, at § 87(2)(b) in Brooklyn, Police Officer Jeffrey Dumbauld spoke discourteously to § 87(2)(b) and § 87(2)(b) § 87(2)(b)

§ 87(2)(b) (BR 01) said that at an unknown time on December 23, 2016, she went with her sister, § 87(2)(b) § 87(2)(b) to § 87(2)(b) after learning § 87(2)(b) had been transported there. When she attempted to enter § 87(2)(b)'s room, PO Jeffrey Dumbauld exited and told § 87(2)(b) and § 87(2)(b) “You can’t fucking be here.”

§ 87(2)(b) § 87(2)(b) (BR 03) generally corroborated § 87(2)(b)'s statement, but reported PO Dumbauld as saying, “Get the fuck out of here. This is like a precinct.” As was previously discussed, § 87(2)(b) did not provide a sworn statement.

PO Dumbauld (BR 63) acknowledged that while he was at § 87(2)(b) guarding § 87(2)(b) § 87(2)(b) arrived alone and attempted to enter § 87(2)(b)'s room. PO Dumbauld told § 87(2)(b) she could not enter, asked her to leave, and explained to her that she did not have permission from the desk officer authorizing her to visit § 87(2)(b) PO Dumbauld denied using any profanity towards § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

Allegation R – Force: On December 23, 2016, at the 88th Precinct stationhouse, Police Officer Kitwane Lewis used physical force against § 87(2)(b)

§ 87(2)(b) (BR 01) said that on December 23, 2016, she returned to the 88th Precinct stationhouse. While standing at the front desk, she heard, but did not actually observe, a commotion in the bathroom of the holding cells. § 87(2)(b) then saw officers escorting § 87(2)(b) from the bathroom back to the holding cells, and saw that his nose was bloody. § 87(2)(b) did not see what caused this injury. § 87(2)(b) called 911; an ambulance responded and removed § 87(2)(b) to § 87(2)(b).

As was previously discussed, the investigation was unable to contact § 87(2)(b) as such, his medical records could not be accessed.

It is not disputed that § 87(2)(b) was arrested a second time inside of the 88th Precinct stationhouse (BR 82). The arrest report narrative, which was prepared by PO Lewis, notes that when PO Lewis escorted § 87(2)(b) to the bathroom, § 87(2)(b) became irate and struck PO Lewis with his right closed fist, and that he was then apprehended. The TRI (BR 75) is consistent with this narrative.

PO Lewis (BR 64) was interviewed, and acknowledged that he brought § 87(2)(b) to the ground to place him in handcuffs after § 87(2)(b) attempted to strike him. PO Lewis denied observing any injuries to § 87(2)(b) and denied using further physical force against him.

§ 87(2)(g)

Squad: 4

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date